

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PIER FISH CO., INC.,

Plaintiff/Defendant in Counterclaim

v.

EMPIRE SEAFOOD, LLC,

Defendant/Plaintiff in Counterclaim

v.

RICHARD J. BARRY and BARRY GROUP, INC.,

Third-Party Defendants

Civil Action No. 06-CA-11712-RCL

**VOLUNTARY DISMISSAL WITH PREJUDICE**

The parties hereby agree to voluntarily dismiss this action with prejudice, waiving all rights of appeal, and without attorney's fees or costs to any party.

Respectfully Submitted,

PIER FISH CO., INC., and  
RICHARD J. BARRY

By their Attorneys,

EMPIRE SEAFOOD, LLC,

By its Attorneys,

By: /s/ Andrew B. Saunders

Andrew B. Saunders (B.B.O. #560645)  
SAUNDERS & SAUNDERS, LLP  
700 Pleasant Street, Fifth Floor  
New Bedford, MA 02740  
Tel. (508) 999-0600

By: /s/ Diane M. Saunders

Diane M. Saunders (B.B.O. #562872)  
Jeffrey S. Siegel (B.B.O. #647148)  
MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, MA 02109-2605  
Tel. (617) 523-6666

BARRY GROUP, INC.

By its Attorneys,

By: /s/ Lawrence T. Gingrow, III

Lawrence T. Gingrow, III  
PIERCE ATWOOD LLP,  
Pease International Tradeport  
One New Hampshire Avenue, Suite 350  
Portsmouth, NH 03801  
Tel. (603) 433-6300

Jeffrey M. White, Esq. (*Of Counsel*)  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101

Dated: November 29, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), **including opposing counsel Andrew B. Saunders and Lawrence T. Gingrow III**, on December 3, 2007.

s/ Diane M. Saunders  
Diane M. Saunders